Remarks/Arguments:

Claims 6-11 are canceled. Claims 2, 13 and 15 are amended as shown to correct noted defects in the Official Action.

Claims 1-5, 12, 14 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Koodli et al (6,608,841 B1) in view of Le (6,300,887 B1). The claimed invention requires compression to be based upon a single header for a plurality of subsequent signals. This conclusion is drawn from the observation that every subsequent header is decompressed based upon a header for a first signal. Thus, a plurality of subsequent signals is decompressed based upon the same header. The Official Action states that Koodli is silent on compressed headers including differences based on any one of previous packets. The Applicants agree. The Official Action goes on to state, however, that Le teaches that "current packet values are calculated based on any previous packet value and not just an immediate previous value". As such, the Official Action concludes that Le, in combination with Koodli, may be combined to teach the claimed invention of the present application. The Applicants respectfully disagree.

To the Applicants' understanding of Le, Le is concerned with sending compression context information from node to node to facilitate decompression according to whatever compression algorithm is used in a handoff context. More specifically, Le teaches that a compressor receives context information and a decompressed header and produces a compressed header based upon the decompressed header that it received. Thus, compression is based upon a defined context (compression scheme?) and a subject of compression (the full header). Decompression is opposite. A decompressor receives the context information and a compressed header to decompress the header to produce a full header. See, for example, Figures 3 and 4.

In a hand-off situation from one base station to another, Le teaches that the new base station must have the right context information to properly decompress a header. Le teaches that a first node (that compresses the headers) initially sends context information that is necessary for

decoding to a second node. Thus, when hand-off occurs from the second node to a third node, the second node must send the context information to the third node. See Abstract.

Le does not seem as concerned with the specific methods used for compression and decompression and thus does not seem that relevant to the claimed invention. As the Applicants are unable to find where Le teaches the specific compression scheme that is claimed for the present invention, the Applicants request that the Examiner provide a specific example where Le discloses the claimed invention. The Official Action refers to col. 32, lines 29-64 to mean that Le teaches that current packet values are calculated based on any previous packet value and not just an immediate previous value. The Applicants point out that Col. 32, however, teaches a method of calculating jitter and not a method for decompression or compression. Moreover, for the sake of argument, if this text was not limited to jitter, it still does not teach what the claims require, namely, that compression for a series of headers is based on a single full header of a first signal. To merely indicate decompression can be based on any prior packet header is not enough. The Applicants do not believe, however, that Le teaches this.

As such, the Applicants believe that Le does not teach what is required by each independent claim and, therefore, that all of the claims are allowable based upon the cited art.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*,

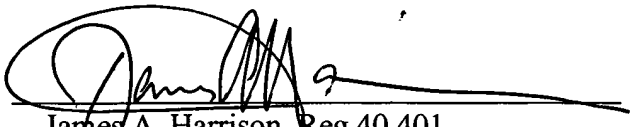
977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the references must teach or suggest all the claim limitation. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the cited references, and not based on applicant's disclosure. MPEP 2143, p. 2100-121 (August 2001). The Applicants do not believe that the combined references teach all of the elements of the claimed invention.

Applicant respectfully traverses this rejection in that a *prima facie* case of obviousness has not been established.

Please direct any questions or comments to the undersigned attorney regarding the Notice of Allowance in this case.

Respectfully submitted,

Date: September 7, 2004 By: 

James A. Harrison, Reg.40,401
Garlick Harrison & Markison, LLP
P.O. Box 670007
Dallas, Texas 75367
(214) 902-8100/office
(214) 902-8101/facsimile